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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/284,698 | 07/15/1999 | YOSUKE KIMOTO | SONYJP-3.3-0 | 2686 |

530 7590 09/09/2005

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| EXAMINER |
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BROWN, RUEBEN M

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| ART UNIT | PAPER NUMBER |
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2611

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/284,698 | KIMOTO, YOSUKE | |
| | Examiner | Art Unit | |
| | Reuben M. Brown | 2611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/6/2005 has been entered.

Response to Arguments

2. Applicant's arguments filed 4/6/2005 have been fully considered but they are not persuasive. Applicant argues on page 10, that Alten does not teach the claimed feature of a 'retrieval table based upon the program guide information'. However, examiner points out that the program guide display in Alten (col. 8, lines 40-67 & col. 8, lines 5-30) is a "program retrieval table" and it is based upon EPG data, and therefore reads on the claimed subject matter.

As for the amended claimed feature of 'relative start time within a selected time slot', examiner points out that the claim does not recite that there is any time "offset", for instance from the beginning of the program or that a program may begin or end at a time different from the set time slots. For example, a relative start time within a selected time slot, is still broad

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enough to read on a 30 min. program that begins at 7:31 pm, and lasts until 8:00 pm, as opposed to a one hour program that begins at 7:00 pm, and last until 8:00 pm. This is true since the program that started at 7:31 is a relative start time within the 7pm-8pm time slot.

On pages 8-10, applicant discusses the feature of objects as recited in newly added claim 12, and the relative start time issues. However, again examiner points out that the claim does not require that objects are different from the standard 30 min., 90 min., or 120 min. objects in Alten.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 4, 6 & 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Alten, U.S. Pat # 5,635,978).

Considering amended claims 1 & 4, the claimed receiver for receiving broadcast signals multiplexed with program guide information including information on broadcast times of the programs, comprising:

‘receiving means for receiving multiplexed signals’ is met by the interactive cable converter box 200, see Fig. 12 & col. 14, lines 5-30. The claimed multiplexing is broad enough to read on transmitting the EPG in the VBI of a TV signal, col. 14, lines 24-26.

‘separation means for separating the EPG information in the multiplexed signals from the broadcast signals is necessarily included, since the EPG data may be transmitted in the VBI of a broadcast signal.

‘production means for producing a retrieval table based upon the program guide information, comprising a plurality of time slots each having a predetermined length of time independent of broadcast time’, reads on the discussion in Alten of the plurality of time slots, such as 30, 60, 90 and/or 120 minutes, (col. 12, lines 4-24).

‘allocating each program to at least one of the plurality of time slots based on the broadcast time of the program, wherein the programs have varying lengths of time and the allocation is performed for each program with reference to a relative start time within a selected time slot in the retrieval table’, is still broad enough to read on the disclosure in Alten that the broadcast programs have varying lengths and are located in the appropriate time slot, based upon

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their time of broadcast and actual length of broadcast; see Fig. 5a; 5b; 7a; col. 8, lines 60-67 & col. 12, lines 5-25. For example, as pointed out above, programs that have length of the standard 30 min., 90 min., or 120 min., necessarily have “relative start time within a selected time slot”.

Considering claims 3 & 6, the claimed:

‘storage means for storing separated EPG data’ reads on memory 210 for storing downloaded EPG information, col. 14, lines 5-7.

‘input means for inputting a broadcast time to be retrieved; executing means for executing the retrieval; ;and processing means for reading out the EPG information of a retrieved program from the storage means and displaying on display device’ reads on the discussion of Altern of displaying EPG information of a plurality of programs, col. 14, lines 5-59 & Fig. 5a; Fig. 5b.

Considering claims 11 & 12, the claimed system and method for producing a retrieval table based upon guide objects, corresponds with subject matter mentioned above in the rejection of claims 1 & 4, and are likewise treated. As for the additionally claimed features of generating and allocating clone program guide objects, the recited subject matter reads on the program guide listings, which are downloaded in the EPG database at the receiver device, col. 14, lines 5-15. These program listings are retrieved from the listings database, (as objects) and placed into

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the appropriate time slots on the EPG display, (Fig. 7a-c; Fig. 11a-b) by the multimedia generator (Fig. 12; col. 14, lines 17-67 thru col. 15, lines 1-12).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten, in view of Eick, (U.S. Pat # 5,812,124).

Considering claims 2 & 5, Alten does not teach displaying the EPG according to the program genre. However, Eick teaches sorting/filtering programs according to genre or category, (Fig. 4; Fig. 7; Fig. 8; col. 7, lines 25-65). It would have been obvious to display the EPG according to program genre, at least for the desirable advantage of making program selection more efficient, as taught by Eick, col. 2, lines 45-67 & col. 3, lines 5-20.

6.

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Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER